

# WSDOT APPRENTICESHIP UTILIZATION ADVISORY COMMITTEE

## MEETING MINUTES

August 8, 2006

10:00 AM – 2:00 PM

Capitol Conference Room  
WSDOT Transportation Building  
310 Maple Park Ave  
Olympia, WA 98504

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**Attendees:**

Committee Members: Kevin Dayton (Chair), Nick Tommer, Bob Abbott, Dave Johnson, Randy Loomans for Allan Darr, Butch Brooks, Tom Zamzow, Bob Adams  
Meeting Observers: John Lynch WSDOT Staff: Jennifer Brown, Jenna Fetting  
Absent: John Littel

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## Meeting Overview and Outcomes:

### Action Items:

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**The committee compiled the following list of issues to work through:**

1. Define/develop acceptable good faith clause.
2. Clarify how ferries are affected (with input from Doug).
3. Union/open shop should develop and communicate a plan for how they intend to get people through their training programs.
4. Plug into the Governor's workforce development initiative (through Sept. Vancouver conference).
5. Coordinate with FHWA training requirements.
6. Develop a list of projects that could be possible pilots.
7. Decide how to insure the accuracy of the reporting, labor hours, etc.
8. Decide what mechanism WSDOT will use to advertise the apprenticeship program.

### Date Setting:

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**The Apprenticeship Utilization Advisory Committee set the following tentative meeting dates:**

- Wednesday, November 8<sup>th</sup>, 1 - 4 PM.
  - Thursday, February 15<sup>th</sup>, 8 -10 AM
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## Meeting Minutes:

**10:15**

### Welcome

Kevin Dayton welcomes the committee members on behalf of Doug MacDonald and thanks them for participating.

### Introductions

### Overview

**10:30**

## **Context**

### **Bill Review**

The group looked over the requirements of the new bill (page 2 of the bill handout). The committee task of developing the process for adjustments to the apprentice utilization requirements was discussed (page 3 of the bill handout). The report the committee will write for the Legislature was discussed (page 4 of the bill handout).

- Nick Tommer asked if apprentice labor is all trades, or if there are quotas for different trades.
- Kevin said that it is for all trades.
- Bob Adams asked if “apprentices” as defined by the state are different than “apprentices” defined by Federal regulations.
- Kevin said yes and explained how this will work with the union apprentices and how the bill requirements will work with Federal aid projects.
- Bob Adams asked if the bill affects ferries.
- Bob Abbott responded that the bill does not exclude the ferries.
- Kevin says that will be a part of the discussion, experts will be brought into the meetings, this could include someone from Washington State Ferries.
- Dave Johnson mentioned that ferry construction would be included, and maintenance (if the project is not in-house).

### **Roles and Responsibilities**

Kevin discussed his (neutral/facilitator) role as a chair of the committee and Doug’s role as the decision maker. He discussed the role of committee members in voting. Observers will be brought into the meetings to provide information, but will not vote.

**10:51**

### **Doug MacDonald arrives to discuss expectations**

Doug said he is pleased to have reached a consensus with the building trades to get the bill passed. He said there is a great opportunity, with the volume of the work in the state now. He hopes this will translate to a stronger industry with better laborers, wages, and benefits.

Doug discussed the connection between the Governor’s agenda for workforce issues and labor in the construction trades. He talked about pushing labor in the construction trades into the Governor’s agenda for workforce issues.

- Bob Adams mentioned the Governor’s 13<sup>th</sup> year program that will allow high school graduates a year of college or vocation training and asks if the apprenticeship could plug into that.
- Dave asked about the implementation schedule and where the AGC Lead Team outlining concerns came from.

- Kevin explained the roles of the AGC standing committees that meet monthly. The specification was brought up to the AGC team, who was involved to develop the draft specification because WSDOT would like to do an early pilot program.
- Bob Adams asked Kevin to go over how specifications were developed in the past
- Bob Adams and Kevin discussed the past process with annual meetings and the advantages that meeting regularly have created.
- Dave said he is concerned with the Lead Team outlining the concerns and objectives and the AGC Admin Team outlining the specifications.
- Doug said that the specifications will come back to the committee table.
- Bob Abbott asked how concerns or objections from the Advisory Committee will weigh into the specification developed by the AGC Admin Team. Is the committee's role to approve what the Admin Team develops or to make changes or suggestions to it?
- Kevin said that the Advisory Committee will not get into the contract language, but will keep an overview of program implementation in mind.
- Randy Loomans said she is concerned that things have been done without input from labor.
- Kevin replied that WSDOT will enforce the provision and deliver what was said; that the committee should hold WSDOT accountable.
- Butch explained that the committee needs to understand their role: to advise WSDOT. He discussed the difference between what the Lead Team is doing and what the committee will do.
- Doug said that he is hearing that "enforcement" is being used in two different ways. He said that the important thing is that the finished specification will meet the needs of the program.
- Dave said he is concerned with the Admin team outlining the concerns and objectives of the committee, but mentioned that the more they (labor groups) get engaged in committees like this, the better they understand how things work within agencies like WSDOT.
- Kevin clarified the roles of the AGC Lead Team and Admin Team and invited committee members to the next monthly Admin Team meeting on September 15<sup>th</sup>.
- Tom Zamzow discussed why the specifications are developed by the Admin Team.
- Bob Adams mentioned that WSDOT works with this group to develop specifications early to avoid disputes, disagreements and lawsuits.
- Randy said that the AGC has contractors who have worked with apprentice utilization on public works and we should talk to them to get a sense of the lessons they learned.
- Nick said he is trying to understand how it is being written and implemented in a way that it does not affect the non-signatory contractors.
- Dave said that the serious problem is that if they continue to do business as organized labor like in the past, they are not only missing the opportunity to get more labor and they are shooting themselves in the foot.

He said that in apprenticeship, they need to reach out to all the stakeholders about how to get the program working. The pool of workers is what is critical right now. He said that a lot of states are watching what we are doing with the apprenticeship utilization now that Senator Cantwell has introduced Federal legislation.

- Bob Abbott mentioned that this committee reaches out to the community.
- Bob Adams said that it is critical to focus on the supply side of the question and advertise where to go to get workers.
- Dave said there is a television commercial to promote the program that will air during the opening Seahawks football game and other ways that the program will recruit.
- Bob Adams said that skepticism from people who are not at the table today could harm the committee.
- Jennifer Brown said that she will revise the flowchart to include “with input from labor” and to clarify the process.

### **Expectations**

Kevin asked the group how they feel about attendance. The group decided that occasional absences are okay, as another group member can fill in for the missing committee member. Kevin discussed access to Doug with the committee.

- Butch asked if there will be a unit vote or if each person will have an equal vote.
- Bob Adams said that it does not feel like a voting committee.
- The group decided to do things by consensus.

**11:40**

### **Pilots**

Kevin told the group that WSDOT may or may not be able to do the pilot. Kevin said the risk is small. Most of the parties are in favor of a pilot program.

- Tom asked why WSDOT want to do the pilot, what they are testing.
- Kevin replied that WSDOT would like to test the specification and the reporting process.
- Tom asked if there is a way to do it on a voluntary basis and achieve the same goals.
- Kevin said that it would be helpful to know if there is a problem. If it reduces competition, it is good to know on 4 pilot projects, rather than on the entire highway program.
- Dave mentioned that this could be a part of the educational process - getting contractors used to how things will be in July, 2007.
- Kevin mentioned the possibility of implementing it as a shadow specification.
- John Lynch said that they could do a data collection requirement without putting a quota on it.

- Butch mentioned that in highway construction at the time of year that the pilot program would begin, labor positions would be mainly staffed by journeymen. He mentioned there could be problems with jobs that use a lot of subcontractors, or paving jobs where half the employees are truck drivers. A pilot project should mirror what the 2007 projects will look like.
- Bob Adams said that this pilot should not prove the program, but expose the problems. Bob Adams asked to what extent WSDOT can provide information about apprentices.
- Randy mentioned that the information is available on the L&I website.
- Kevin said that WSDOT can provide a link to the site.
- Kevin emphasized that he wants to do a pilot program and that it does not have to be a project over \$5M.
- Butch said that he is concerned about how to demonstrate “good faith” and how the program will alter the face of the company (the contractor). How will not succeeding in the apprenticeship requirements affect the contractor? How will this not displace journeymen?
- John Lynch mentioned that GA doesn’t get the certified payroll on the contracts with the monthly apprenticeship statement.
- Kevin asked if the contractors can use the apprentices in support roles to the job and have it count.
- Butch said that there should be a demonstration that apprentices worked on the project.
- Bob Abbott explained how this works with the Federal requirements and how the same apprentice can be used for both.
- Nick said he thinks the apprentice will have to move where the work is.
- Butch said there will be challenges moving people from place to place. He said it will also be a challenge to make sure the apprentices are doing meaningful work.
- Dave said he thinks that the apprentices will want to stay employees and will want to stay put. He suggested choosing projects with a broad variety of crafts for the pilot program. Pilot projects need to be chosen strategically.
- Butch suggested using the pilot projects to flush out issues.
- Tom said that using a variety of projects would be the best approach.
- Kevin suggested sending the list out for approval before the next meeting.
- The committee agreed.

**12:24**

### **WSDOT Project Outlook**

Kevin discussed WSDOT’s highway construction program using the bar chart that illustrates the different funding packages (handout). Kevin discussed the spreadsheet of projects (handout) and what might change about that information.

**12:38**

### **Policy Development – discussion**

- Kevin mentioned that with cost escalation, a project estimated at \$1.9 M project could be awarded at over \$2 M.
- John said that in the past they used their estimated amount. Some projects changed after the bidding, causing a problem.
- Kevin mentioned bundling and unbundling projects. He said the bundling and unbundling has nothing to do with trying to get around the requirements – it is done to increase bidding competition.
- Butch suggested putting in a standard specification to deal with the apprenticeship requirement in all jobs that would only apply if the bid was greater than the cost threshold.
- Bob mentioned that some federal contracts have a dollar threshold provision.
- Kevin noticed that the law says “estimated to be.” The committee agreed to stick to the estimated award amount.
- Kevin said WSDOT will report the estimate to award quarterly.
- John said that the estimates should be as up to date as possible.
- Kevin explained the difficulties of creating a list of projects. He said that project estimates are available at the time they are advertised.

**12:55**

### **Draft Specifications – review and discussion**

- Bob Adams asked what the definition of an apprentice is and how out of state contractors will know.
- Kevin said that “apprentice” is defined by the Apprentice Utilization Requirements.
- Kevin discussed the draft specification (handout) for the apprenticeship requirement. He mentioned that one of the areas that will have to be discussed is what a good faith effort is. He said there will need to be a consistent requirement for demonstrating a good faith effort.
- John said what he is noticing is that the effort to find apprentices takes place before the job is bid.
- Kevin said that he thinks the apprentices may run short.
- Dave said that a document would be a good idea. If there are no apprentices, labor could send the document back to prove there are none.
- Butch said that a concern is that the apprentice should have some kind of safety training before getting out on the highway.
- Kevin said that good faith documentation could be something that says that apprentices are not available.
- Kevin asked what kind of sanction should be placed on people who don’t try to get the apprentices at all.
- Bob Adams said that he likes the proposed sanction. He mentioned that the second sentence of the definition on the specification should not include “contractor shall.” He gave his edits to Jennifer, who made note of them.

- Randy asked if WSDOT worked closely with GA to develop the specification. John said he can tell that WSDOT did. He also suggested converting the reporting to an internet-based system.
- Kevin said that there will also be a paper option available to contractors who do not want to use an electronic system.
- Tom asked for clarification about “all available sources” on the good faith effort. He said there is a cost issue associated with belonging to the different sources and wondered if contractors would have to utilize each, or only one.
- Butch asked if you do not have to participate in the apprenticeship program if you are not a training agent.
- Bob Abbott said that it is not good enough to not participate; contractors will have to pay to be a training agent. He said the apprenticeship law says that you have to either use the CITC or a union.
- John mentioned that subcontractors can fulfill the goals for contractors without a relationship with CITC or the union.
- Dave said that if there is a shortage, something will have to be done. CITC or the unions will have to recruit. They will have to find apprentices.
- Randy mentioned that there has never been a problem.
- John said GA’s experience is that it has been easy to find apprentices and that the requirement has been exceeded on every project.
- Dave Johnson said that the contractors will have to become training agents.
- Bob Abbott said that the biggest challenge right now is getting contractors into training.
- Kevin said that the firms that are not with CITC or a union will have to decide whether or not they want to participate in this program.
- Dave said he is concerned that a huge number of apprentices on one side of the fence will not be accessed if contractors are using the same source.
- John brought up the issue of total labor hours on the form. He said they have noticed that they are not getting consistent hours.
- Bob Abbott suggested using the certified payroll on all the projects.
- Kevin mentioned that WSDOT does not currently keep track of certified payroll on state funded projects.

**1:48**

### **Report to Legislature – discussion**

Jennifer asked the committee to comment on the basic framework for the report to the Legislature (handout) and return feedback to her.

**1:50**

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